

The Honorable James L. Robart



11-CV-00222-M

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

JOHN DOES 1-11 CONTROLLING
A COMPUTER BOTNET THEREBY
INJURING MICROSOFT AND ITS
CUSTOMERS,

Defendants.

Case No. 2:11-cv-00222

**MICROSOFT CORPORATION'S
MOTION FOR LEAVE TO SHARE
ORDER WITH PROVIDERS OF
INTERNET CONNECTIVITY**

****FILED UNDER SEAL****

On March 9, 2011, the Court signed the Second Amended *Ex Parte* Temporary Restraining Order, Seizure Order and Order to Show Cause Re Preliminary Injunction ("the Order"). The case has been sealed. As part of implementing the Order, Microsoft wishes to seek the voluntary cooperation of certain Internet connectivity providers ("ICPs") that work with the hosting companies set forth in Appendix A of the Order. These ICPs are listed in Exhibit A to this Motion. The ICPs control the flow of Internet traffic to and from the IP addresses listed in Appendix A of the Order ("the IP Addresses"). In effect, they are "upstream providers" of Internet connectivity to the webhosting companies and datacenters listed in Appendix A. In connection with Microsoft's work with the hosting companies, Microsoft would like permission

1 to ask the ICPs if they will voluntarily agree to halt traffic to the IP Addresses on March 16, 2011,
2 the day that Microsoft intends to implement the Order.

3 Cutting off Internet connectivity to a particular IP Address upstream of a webhosting
4 company or datacenter will help ensure the effective implementation of the Order. If there are
5 any delays in disabling one of the IP Addresses hosted by a hosting company or datacenter, it
6 could give Defendants the opportunity to instruct the infected end-user computers that constitute
7 the Infection Tier of the Rustock Botnet to communicate through new IP Addresses and thereby
8 evade the Court's Order. Because Microsoft would only ask the ICPs to halt connectivity to and
9 from the same IP Addresses that are to be disabled on March 16 pursuant to the Order, their
10 voluntary assistance would not expand the interests affected by the Order.

11 Because the matter and Order are under seal, Microsoft believes it is currently precluded
12 from discussing or sharing the order with the ICPs. Therefore, Microsoft respectfully seeks leave
13 of the Court to share and discuss the Order with the ICPs so that they may voluntarily assist in
14 halting traffic to the IP Addresses used to support the Rustock Botnet. If the ICPs choose to
15 cooperate, it will greatly enhance the effectiveness of the Order. Therefore, good cause exists for
16 the Court to grant Microsoft leave to share and discuss the Order with the ICPs.
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1 Dated: March 11, 2011.

2 ORRICK, HERRINGTON & SUTCLIFFE LLP

3 By: 

4 Jeffrey L. Cox (WSBA No. 37534)

5 jcox@orrick.com

6 Ranjit Narayanan (WSBA No. 40952)

7 marayanan@orrick.com

8 701 5th Avenue

9 Suite 5600

10 Seattle, WA 98104-7097

11 Telephone: +1-206-839-4300

12 Facsimile: +1-206-839-4301

13 Of counsel:

14 Gabriel M. Ramsey (*pro hac vice* application pending)

15 gramsey@orrick.com

16 Jacob M. Heath (*pro hac vice* application pending)

17 jheath@orrick.com

18 1000 Marsh Road

19 Menlo Park, CA 94025

20 Telephone: +1-650-614-7400

21 Facsimile: +1-650-614-7401

22 Attorneys for Plaintiff Microsoft Corp.

Exhibit A

Internet Connectivity Providers
Beyond The Network America, Inc. / PCCW Global
Bluemile, Inc.
BroadbandONE
Cogent Communications
Comcast Cable Communications, Inc.
Cox Communications
Deutsche Telekom AG
Ezri, Inc.
Global Crossing
Global Telecom & Technology
Globeinternet / TATA Communications
Hurricane Electric, Inc.
Integra Telecom, Inc.
Internap
KPN Internet Backbone (Koninklijke KPN N.V.)
Layer42 Networks
Level 3 Communications
nLayer Communications, Inc.
NTT Communications Global IP Network
Qwest Communications Company LLC
RETN.net
Sprint
Telefonica Wholesale Networks
Telianet / TeliaSonera AB Networks
Tinet SpA
XO Communications
Highwinds Network Group, Inc.
Time Warner Cable
Onyx Internet Ltd.
Init Seven AG
InfoRelay Online Systems, Inc.
Cavalier Telephone
TW Telecom